International Criminal Court ICC-ASP/1/11

Assembly of States Parties

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Election of the Registrar of the International Criminal Court

Note by the Secretariat

1. Under the terms of article 43, paragraph 2, of the Rome Statute of the International Criminal Court, the Registry of the Court is to be headed by the Registrar, who shall be the principal administrative officer of the Court. Pursuant to paragraph 3 of the same provision, the Registrar shall be a person of high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

2. Rule 12 of the Rules of Procedure and Evidence[1] provides, in paragraph 1, that "as soon as it is elected, the Presidency shall establish a list of candidates who satisfy the criteria laid down in article 43, paragraph 3, and shall transmit the list to the Assembly of States Parties with a request for any recommendations."

3. Upon receipt of any such recommendations from the Assembly of States Parties, the judges, acting under the terms of article 43, paragraph 4, of the Rome Statute, and in accordance with the procedure laid down in paragraphs 2 and 3 of rule 12 of the Rules of Procedure and Evidence, shall, as soon as possible, elect the Registrar by an absolute majority by secret ballot, taking into account the above-mentioned recommendations of the Assembly of States Parties.

4. By a letter dated 15 April 2003 (see annex I to the present note), the President of the International Criminal Court, acting pursuant to article 43, paragraph 4, of the Rome Statute and rule 12, paragraph 1, of the Rules of Procedure and Evidence, submitted to the President of the Assembly of States Parties the names and statements of qualifications of two candidates for the post of Registrar, namely Mr. Bruno Cathala (France) and Mr. Bert Maan (Netherlands) (see annex II).

Notes

[1] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.A.

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Annex I

Letter dated 15 April 2003 from the President of the International Criminal Court addressed to the President of the Assembly of States Parties to the Rome Statute of the International Criminal Court

[Original: English and French]

...

Pursuant to article 43, paragraph 4, of the Statute and rule 12, paragraph 1, of the Rules of Procedure and Evidence, I have the honour to submit to the Assembly of States Parties a list of candidates meeting the criteria set out in article 43, paragraph 3, of the Statute.

From the 21 applications received following a widely publicized vacancy notice, the Presidency has identified only two candidates who fully meet the requirements set by the Court. They are Mr. Bruno Cathala (France) and Mr. Bert Maan (Netherlands). Copies of their curricula vitae are enclosed.

The Presidency kindly requests from the Assembly of States Parties any recommendations it may wish to make in accordance with rule 12.

...

(*Signed*) Philippe **Kirsch**

Annex II

Alphabetical list of candidates, with statements of qualifications

1. Cathala, Bruno (France)

[Original: English/French]

Letter of application dated 10 April 2003 addressed to the President of the International Criminal Court

...

I have the honour to submit my application for the post of Registrar of the International Criminal Court.

This decision is a logical step in my career in the service of justice, first nationally and then internationally.

I have served as a judge and administrator for over 20 years.

Since the beginning of my career I have had a particular interest in issues relating to judicial administration. Initially, in my capacity as a juvenile court judge, I organized the juvenile section of the court of Rouen and later that of Nimes. After spending some time at the Ecole Nationale de la Magistrature (National Judicial Training School), where I taught judicial administration, I presided over a French higher court. In the French system, the presiding judge and the prosecutor are responsible for the administration of the court. I was next called to the Ministry of Justice to serve as deputy director of an administrative staff of over 6,000, with widely varied professional qualifications. After a short time as Vice-President of the largest court in France after Paris, the Inspector-General of the Ministry of Justice selected me as one of his collaborators. In this capacity, I was called on to monitor the functioning of courts, their organization and efficiency, and also the behaviour of certain judges and prosecutors.

During that same period, I conducted several missions overseas. These operations, carried out either for the French Government or for international organizations, caused me to reflect on and compare the function of a judge, service as a public official and the administration of courts and tribunals belonging to different legal systems.

On the strength of these experiences, I became a candidate for the post of Deputy Registrar of the International Criminal Tribunal for the Former Yugoslavia. After my election, I found myself in a very specific situation that was quite different from what judges usually encounter in their national professional environment. After an adjustment period, I learned a great deal in this already established court.

In that kind of environment, I realized that two elements were essential in order to fulfil the duties of Registrar in the most efficient manner possible. First, one needed to have a certain vision of an administration striving to "produce" a fair decision within a reasonable time and conducting this activity within a very specific framework defined by, among other things, the concepts of the independence of judges, the prosecutor and the defence. One also needs practical knowledge of what

constitutes a court operating in an international environment, in other words, one that must accommodate two usually incompatible ideas: justice and diplomacy.

My view, which has been confirmed by my several months' experience heading the common services of the International Criminal Court, is that these aspects are even more crucial in an institution in its infancy and in which the expectations and hopes of people belonging to very different systems of thought and culture have been placed.

I would therefore welcome the honour of continuing to work for international justice as Registrar of this Court. In my view, what is at stake for the world today is of the utmost importance.

(*Signed*) Bruno **Cathala**

Statement of qualifications

Date of birth: 23 July 1955.

Professional experience

Since October 2002	Director of Common Services, International Criminal Court.
2001-2002	Deputy Registrar, International Tribunal for the Former Yugoslavia.
1999-2001	Inspector of the French Judiciary Service. Inspections, controls or audits of justice courts, offices of the Prosecutor and institutions of the Ministry (prisons, etc.).
1996-1999	Vice-President of the Tribunal, Tribunal de Grande Instance de Créteil. Judicial administration, dealing with civil and important criminal cases (financial, etc.).
1994-1996	Vice-Director, Ministry of Justice, Direction de la Protection Judiciaire de la Jeunesse, Paris. Administration in charge of the rehabilitation of juvenile offenders, 6,000 civil servants; giving instructions to the French prosecution service.
1990-1994	President of the Tribunal, Tribunal de Grande Instance de Montargis. Administration of the court and dealing with civil and criminal cases.
1987-1990	Maître de conférences, Ecole Nationale de la Magistrature, Bordeaux. Responsible for teaching future judges and prosecutors.
1983-1987	Juvenile Judge, Tribunaux de Rouen et de Nîmes. Judiciary minor protection and juvenile offenders; administration of a juvenile court.
1981-1983	Judge in training, Tribunal de Grande Instance de La Rochelle.

Overseas professional experience

March 2002	International Tribunal for Rwanda, Arusha. Exchanges of experience on the organization and the administration of an international criminal tribunal.
September 2000	Sarajevo/Banja Luka, Bosnia and Herzegovina: Organization and administration of courts; statute of judges and prosecutors; ethics of judges and prosecutors.
July 2000	Bulgaria: Organization and administration of courts; statute of judges and prosecutors; ethics of judges and prosecutors. Training of magistrates in association with United States judges.
April 2000	Quebec, Canada: Seminar on administration and management of courts with Canadian judges and officials of the Justice Ministry.
May 1998	Antananarivo: Report on the ethics rules of Madagascan judges and prosecutors (World Bank).
September 1993	Phnom Penh: Fact-finding mission to prepare cooperation between France and Cambodia on the court administration system: role of the president of a tribunal, responsibilities of the judges and the prosecutors, and ethical issues.
March 1992	Vientiane: Lecture: court administration system, role of the president of a tribunal, responsibilities of judges and prosecutors, and ethical issues.
March 1991	Abidjan: Evaluation and needs assessment for the education of local magistrates (judges and prosecutors).
November 1986	Dublin: Study on the Irish judiciary system (office of the Director of Public Prosecution).
1978/1980	Abidjan: Responsible for the management and administration of study programmes/lectures.

University degrees

1980	Diplôme d'études approfondies-Droit Civil, Université de Paris I.
1978	Maîtrise de droit, Université de Paris XI.

Other degrees

1998-1999	Diplôma de l'IHEDN (National Institute for Studies on National Defence). Fifty-first national session: Europe of defence — study tours in Europe (Italy, United Kingdom, Poland, Germany) and in Central Asia (Uzbekistan, Turkmenistan).
1996-1997	Diplôma de l'IHESI (National Institute for Studies on Internal Security). Eighth national session: study tour in Hungary.

Training courses

1990/1991	Management studies for executive managers of the Justice Ministry.
January 1989	Postgraduate study: Techniques of pedagogy for adults.
October 1989	Study tour to Canada (Quebec) on the field of mediation.

Publications and presentations

National and international responsibilities of judges and prosecutors

"Le droit et le non-droit: tentative de définition". Article in *Le non droit des jeunes* (Édition SYROS, 1995).

"Les fonctions traditionnelles du droit dans l'ordonnancement des sociétés". Communication, March 1993: 6 (6th yearly judicial discussions of ANPASE).

"Le juge et les phénomènes de médiation". Article in *La médiation*, report of an interdisciplinary seminar presided by Etienne Le Roy and Jean-Pierre Bonafe-Schmitt.

"La médiation familiale au Québec", report, October 1989, on family mediation in Quebec.

National and international judicial administration

"La CPI, mode d'emploi", article in *Le Monde*, 11 March 2003.

"Le temps du tribunal pénal pour l'ex-Yougoslavie", article in 2001, in *Journal de l'ordre des avocats au barreau de Bordeaux*.

"Les politiques judiciaires", presentation, Council of Europe, May 2000.

L'urgence et le judiciaire, Ecole Nationale de la Magistrature workshop on continuing education, co-direction with D. Salas, 1998-1999.

"Temps judiciaire — temps éducatif: la concordance des temps", article in *Les cahiers de dynamiques*, January 1996.

"Inflation de la demande de droit et rôle du magistrat", article in *Informations sociales*, No. 22, 1992.

National and international ethical issues for judges and prosecutors

"L'éthique et la déontologie des juges et des procureurs", International Department of Ecole Nationale de la Magistrature, African and Asian countries, activities for studies supervision, ENM, Bordeaux, 1992.

"Ethique et déontologie de la magistrature malgache", report for the World Bank, September 1998.

"L'éthique du juge international", presentation, ENM, December 2002.

Intervention of justice in urban policies

La politique de la ville: dictionary on social activities (Editions législatives, April 2000).

"La police de proximité : un concept à inventer", presentation, IHESI, November 1997.

Repères juridiques du travail social, book (ESF, October 1997).

"Le système français de protection de l'enfance peut-il répondre au défi de la précarité?", article in *Le signalement: droit de l'enfance et de la famille*, 1996 No 44, p. 304.

"Réflexions sur les conditions nécessaires à un travail local en commun entre la P.J.J et les autres acteurs de la protection des mineurs", presentation, May 1993.

"Les outils de la promotion de la citoyenneté des jeunes", presentation, March 1992.

"Justice, précarité, insertion et société de consommation", presentation, June 1992.

"L'aide sociale dans tous ses états", presentation, ANPASE, Nice, October 1991.

Magistrat et dynamique de prévention, Direction de mémoire (thesis supervision), ENM, 1989-1990.

2. Maan, Bert (Netherlands)

[Original: English]

Letter of application dated 9 April 2003 addressed to the President of the International Criminal Court

...

I herewith formally apply for the position of Registrar of the International Criminal Court. My curriculum vitae is enclosed.

I would like to take this opportunity to briefly highlight certain elements of my background and experience over the past 30 years as counsel, public prosecutor and judge and, since 1993, as president of the Zwolle/Lelystad District Court.

Firstly, I would like to stress that I believe that a transparent decision-making process in an institution such as the International Criminal Court is crucial for its credibility in the world. To achieve this, the Court needs strong communicators, a quality which I believe I possess. As District Court President, I have been able to win support and lay a sound basis for long-lasting relationships based on mutual trust with my colleagues both at the District Court and within the Dutch judiciary as a whole.

Over the years, judges in the Netherlands have increasingly played a leading role in the management of the courts, not only in respect of legal guidance and expertise, but above all in the field of judicial management: judicial support, technical support and liaison with the Bar and other institutions that perform duties for the courts.

In the present situation, I bear overall responsibility for the court's performance in terms of the quality of the work of the judges and their staff, and in terms of human resources management, financial management, procurement, security, information technology and building management. In fact, the court's President is the principal manager of the court. A proactive approach is essential here.

Over the past 10 years my court has increased in size from about 28 judges to, at present, 75 judges. As a result of major changes in the Dutch judiciary since 2002, I am currently responsible for an organization of about 450 staff, working in two cities (Zwolle and Lelystad).

My experience in Lelystad is of specific relevance to the International Criminal Court. In 1993, the Lelystad branch of the court had no more than about 10 staff housed in an interim facility. Today it has some 80 staff and is fully operational in a brand new courthouse. Needless to say, I was involved in the long process of selecting the architect, the negotiations with the Government Buildings Service, and the building and construction process proper.

In addition to my responsibilities in Zwolle, I have been involved over the past 14 years in national drafting committees for workload measurement systems. I have also been chairman of the Judiciary Budget Committee for many years and I participated in the Advisory Committee that reported to the Government on the financing of the Dutch courts. This allowed me to gain a great deal of experience in

maintaining a network of national and international contacts at the highest levels, which may prove useful for the International Criminal Court as well.

During my professional career, I have gained broad international experience. Since 1993, I have been involved in a number of international projects for the Council of Europe and subsequently, at the request of NGOs, for the Dutch Helsinki Committee and the Centre for International Legal Cooperation, as well as for the Dutch Judges Association and judicial education centres (Sweden, France).

My participation in those projects has given me experience in institution-building at the international level as well, notably my contribution to the building up of the Kosovo Judicial Training Institute. The Council of Europe invited me as an expert to draw up a framework for the training of judges and prosecutors in close cooperation with the Organization for Security and Cooperation in Europe. These experiences have had an important effect on my motivation to apply for this vacancy. I have had the opportunity to witness in Kosovo the importance of a living institution that brings to justice those who have committed serious crimes such as genocide and war crimes. It is my deeply felt conviction that these heinous crimes must not remain uninvestigated, unprosecuted and unpunished.

If I am elected, I can assure the International Criminal Court and all its organs of my full independence and my full commitment to make the Court into the credible international institution envisaged by the framers of the Rome Statute. Moreover, having been a judge myself for over 25 years, I fully appreciate the position of the Court, its judges, the Prosecutor and its staff.

Finally, I would like to reiterate my intention to work closely as Registrar with the President, the judges, the Prosecutor and indeed all staff members in order to help the International Criminal Court to fulfil its mission.

...

(*Signed*) Bert **Maan**

Statement of qualifications

Born: Amsterdam, 2 February 1944.

Education

Secondary education: Grammar School (*Gymnasium*), final exam 1963.

University of Utrecht: Masters in Law 1969.

Career history

Selected for judiciary training programme:

Clerk, Breda Regional Court, 1969-1972.

Public Prosecutor, Dordrecht, 1972-1974.

Attorney, Breda, 1974-1976.

Judge, Breda District Court (family law, civil and commercial law, presiding judge in criminal division), 1976-1984.

Vice-President of Breda District Court (1984-1992) (head of bankruptcy section, later head of commercial section).

(Present position) President of Zwolle-Lelystad District Court, from 1992.

Other skills

Languages:

Dutch: mother tongue.

English and German: fluent.

French: reasonable command.

Human rights.

Court management, judicial organization.

Workload measurement.

Budgets for the judiciary.

Memberships

Netherlands Association for the Administration of Justice (NVVR).

Netherlands Lawyers' Association (NJV).

International Association of Refugee Law Judges.

ALADIN (international law).

Professional activities

Activities in the judiciary at the national level

Secretary, maintenance working group, 1978-1983.

Member, later chairman, committee for workload measurement in regional courts, 1988-1993.

Member, later chairman, central committee for workload measurement, 1993-2001.

Member, later chairman, committee for court management and budgeting, 1994-2001.

Chaired Ministry of Justice committee which produced the following reports:

- Evaluation of new law on aliens and refugees, 1994.
- New system for financing legal aid programme, 1997.

1998-1999	Member of Interministerial Policy Review committee on court management; report for Dutch government.
2002-2003	Member of the committee on evaluation of court budget system.

Functions outside judiciary

1966-1967	Treasurer of Triton (Utrecht students' rowing club).
1976-1981	Secretary of the Board of Probation Service specializing in addicts.
1982-1993	Member and Secretary of the Board of Directors of De Baronie Hospital, Breda.
1975-present	Member (currently chairman) of the ecclesiastical law committee of the Old Catholic Church (which is in full communion with the Anglican and Episcopal churches).
1986-1994	Chairman, Synod of the Dutch Old Catholic Church.
1996-2000	Chairman, International Structure Committee of the Union of Independent Catholic Churches (proposals adopted by international bishops' conference, 2000).
1996-present	Chairman, ORKA (Utrecht-based charity).

International activities

Presentations on the role of the judge in a democratic society, as an expert for the Council of Europe: Slovenia 1993, Estonia 1993, Latvia 1993, Ukraine 1994, the former Yugoslav Republic of Macedonia 1994, Albania 1994.

Topics:

- *trias politica*, separation of powers
- Independence of the judge
- Relations with legislative and executive powers
- Selection, appointment and role of judges

- Relations with prosecutors and lawyers
- Relations with the media
- Access to the judge
- Training and education of judges
- Relations between judiciary and the Ministry of Justice

Presentations on article 5 of the European Convention on human Rights: the former Yugoslav Republic of Macedonia 1997 and 2002, Belarus 1996.

Topics:

- Right to security
- Right to liberty and exceptions to it
- Pretrial detention
- Organization of courts relating to pretrial detention
- Reasonable time
- Judge or other officer authorized by law

Presentations on article 6 of the European Convention on human rights: Ukraine 1996-1998, Republic of Moldova 1999, Kosovo 2000, the former Yugoslav Republic of Macedonia 2002.

Topics:

- Independence of the judiciary and the judge
- Civil and criminal cases
- Impartiality
- Reasonable time
- Competence of the tribunals
- Access to the courts
- Court budgeting
- Court financing
- Workload measurement
- Court fees

Media reporting on courts: restrictions under article 6 of the European Convention on human rights: Sarajevo 2000, Belgrade 2002.

Court management: Albania 2000, Ukraine 2000, Hungary 2000, Azerbaijan 2000.

Tacis programme (European Union): High-profile seminar for 27 *oblast* court presidents, Ukraine (2002), and 30 presidents of courts of first instance (2002).

Court financing and access to the courts (Poland, 1998).

1999	Missions to Poland for the Council of Europe concerning advice on a training institute for judges.
1999-2001	Missions for the Council of Europe on establishing the training institute for the judiciary in Kosovo in cooperation with the Organization for Security and Cooperation in Europe, the United Nations Interim Administration Mission in Kosovo, the American Bar Association, the Central European and Eurasian Law Initiative, etc. Inauguration: 22 March 2001.
2002	Talks on the new organization of the judiciary in the Netherlands and the system of workload measurement, Ecole Nationale de la Magistrature, Ministry of Justice, Paris 2002.
1997-2002	Expert opinions and reports on judicial organization concerning the former Yugoslav Republic of Macedonia, the Republic of Moldova, Azerbaijan.

Cooperation between the Netherlands Helsinki Committee and the Centre for International Legal Cooperation:

Strengthening the Ukrainian judiciary: was one of the initiators of the plan; developed the seminars, workshops and cases to be discussed; contributed to the selection of experts; sometimes acting as one. A total of five seminars were held (Kyiv, Odessa, Charkiv, Lviv and Chernihiv) as well as a study visit by 20 judges to the Netherlands (1995-1998).

Developing and implementing the trainer training follow-up programme. Topic: court management (1999-2002). Training of trainers at Kyiv and Zhitomir in November 2000 and May 2001.

Court administration (Kyrgyzstan): mainly concerned a system of workload measurement as a tool for obtaining the resources required by the judiciary, distributing budgets between and within courts and assessing a judge's individual workload.

Implementation of Strasbourg European Court of Human Rights ..lings, Croatia (2001).

For the Netherlands Association for the Administration of Justice

1995	London: seminar on judicial ethics (Institut des Hautes Etudes de Droit).
1996	Czech Republic: role of the judge in a democratic society.
2001	Belgium: the Dutch system of workload measurement.

For the Domstolverket (Sweden): Introduction to criminal procedure in the Netherlands, 1998

For the Training and Study Centre for the Judiciary (Netherlands): Study visits to Sweden, Ireland, Strasbourg, Luxembourg; Dutch-French study week at Sète.

Twinning activities

Organizing study visits and exchanges with courts in:

- Hungary (Kecskemét, Szeged, Pest) in 1995, 1996, 1997, 1999, 2000, 2001 and 2002
- Latvia (Riga District Court) in 1997, 1998 and 2000
- Germany (Münster) in 1999 and 2000

List of publications

"Alimentatie per computer", *Trema*, 1981.

"Alimentatie bruto/netto methode", 1982 et seq.

"Het kort geding als maatschappelijk fenomeen", in: *Mogelijkheden en grenzen van het civiele spoedrecht* (Nederlandse Uitgeversmij Leiden, 1995).

"Rechterlijke samenwerking met Oekraïne", *Trema*, 1997, pp.76 ff.

"50 years Universal Declaration of Human Rights", *Christkatholisches Kirchenblatt* (Switzerland), 5 December 1998.

"Comment on "Prosecution in Ukraine"", *Trema*, 1999, p.140.

Judge, a challenging profession (Jurist en Werk, SDU, 2000).

A Dutch judge in Central and Eastern Europe (Lawyers without Borders, 2002).